

**NOTICE OF ADOPTION
OF DARIEN HEALTH DEPARTMENT
REGULATIONS, SECTION 30R**

ARTICLE II, SUBSURFACE SEWAGE DISPOSAL SYSTEMS

Sec. 30R-2-1. Scope and Purpose

A. The purpose of these regulations is to protect the health and safety of the citizens of the Town of Darien and to assist in the enforcement of the Public Health Code of the State of Connecticut (PHC) by establishing standards for the design, review and approval of private subsurface sewage disposal systems (SSDS).

B. These regulations are adopted pursuant to General Statutes 7-148, 19a-206, 19a-207 and 19-243, Sections 19-13-B100a and 19-13-B103 of the PHC, as they are amended from time to time.

Sec. 30R-2-2. Definitions

For the purposes of these regulations:

“Accessory Structure” means a permanent non-habitable structure which is not served by a water supply and is used incidental to residential or nonresidential buildings. Accessory structures include, but are not limited to, detached garages, open decks, tool and lawn sheds, gazebos and barns.

“Approved” means acceptable to the Director of Health based on a determination as to conformance with the requirements of this regulation and PHC or good public health practices.

“Authorized agent” means the person designated by the Director of Health to act for him in the performance of his duties.

“Director of Health” means the Director of Health of the Town of Darien or his authorized agent.

“Fee Schedule” means the Soil Testing, Plan Review, Permit to Construct and associated fees specified in the Annual Fiscal Year Budget as recommended by the Director of Health and adopted by the Board of Selectmen in accordance with the provisions of the General Statutes.

“Licensed Installer” means a person licensed pursuant to Chapter 393a of the General Statutes.

“Person” means any individual, firm, or association, including, but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, or the duly authorized representative thereof, including, but not limited to, a fiduciary, trustee or receiver, thereof.

“Plan Review” means the review of plans associated with the design and construction of a private subsurface sewage disposal system.

“Public Health Code and Technical Standards” means the Regulations and Technical Standards for Subsurface Sewage Disposal Systems of the Connecticut Department of Public Health as they are amended from time to time.

Sec. 30R-2-3. Terms defined in other codes.

A. Where terms are not defined in these regulations and are defined in the General Statutes or the building, fire safety or public health codes, they shall have the same meanings ascribed to them as in the general statutes or as in these codes.

B. Terms not defined. Where terms are not defined under the provisions of the General Statutes or the building, fire safety or public health codes, including these regulations, they shall have ascribed to them their ordinarily accepted dictionary meanings or such as the context may herein imply.

C. Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Sec. 30R-2-4. Enforcement. The Director of Health or his authorized agent shall enforce the provisions of these regulations, the General Statutes, and the PHC.

Sec. 30R-2-5. Conflict of regulations. In any case where a provision of these regulations is found to be in conflict with a regulation of the Connecticut Department of Public Health or the Department of Environmental Protection, the provision which establishes the higher standard for the promotion and protection of the health and safety of the public shall prevail.

Sec. 30R-2-6. Approval of Director of Health

A. No person shall construct, alter, repair, enlarge or modify a SSDS that serves any existing building or structure without first having obtained the written approval of the Director of Health.

B. No person shall construct or install any new building or structure on any lot or site, which requires a separate SSDS, without first having obtained the written approval of the Director of Health.

C. No person shall enlarge, remodel or change the present use of any existing building or structure served by a SSDS without first having obtained the written approval of the Director of Health. No such approval shall be granted for a building or structure that is served by a cesspool or SSDS currently installed in groundwater or within the elevation reached by high tide until a location for a PHC complying SSDS has been identified on the lot. Replacing these substandard systems will be required

D. No building permit shall be issued for the construction, enlargement, remodeling or change in use of any building which requires a SSDS, unless an approval has been issued by the Director of Health and a copy of the same has been presented to the building official.

E. When approval is required in accordance with Sec. 30R-2-6 A, B or C of these regulations, and a public sanitary sewer is available as determined by the Water Pollution Control Authority, the Director of Health shall require connection to the public sanitary sewer. This requirement shall not apply to the construction of an accessory structure if it is not expected to generate wastewater or if the structure is currently connected to an existing SSDS on the property that meets all of the requirements of the PHC.

F. The Director of Health may grant an exception to the requirement to connect to the public sanitary sewer as required in Sec 30R-2-6 E of these regulations upon demonstration of extreme financial hardship or construction difficulty, if also approved by the Darien Sewer Authority). The Director of Health shall not be bound solely by a finding of financial hardship or construction difficulty and shall act at all times in the best interest of the public health and safety.

G. Septic system modification processes which have been approved by the DPH such as "Terralift" and "Soil Air" may be permitted where it has been demonstrated that the existing system(s) meet PHC requirements with respect to separating distances to wells, ground water and bedrock. Also the existing system must constitute at least 50% of the required leaching area. Permits for such applications are subject to "Exceptions" if less than the required leaching area exists.

H. Each building on a single lot must be served by its own SSDS unless a central SSDS is the only feasible means of meeting the sewage disposal needs of the property. Soil testing must be conducted by a professional engineer and plans submitted showing how PHC complying areas can be provided. State approval is needed for all central SSDS. Requirements to enlarge existing septic systems to accommodate additional flows will be at the discretion of the Director of Health.

Sec. 30R-2-7. Soil Testing & Site Evaluation

A. No plan to install or construct, alter, repair, enlarge or modify any new or existing SSDS shall be submitted to or reviewed by the Director of Health unless soil testing and site evaluation have been performed on the property.

B. Applications for soil testing and site evaluation shall be made on forms provided by the Director of Health, signed by the property owner or his duly authorized agent and shall be accompanied by the appropriate fee as specified in the fee schedule.

C. For new building lots, soil testing and site evaluation shall consist of deep observation pits and percolation tests in the primary and in the reserve area. For repairs, soil testing and site evaluation shall consist of at least one deep observation pit and one percolation test in the area proposed for the repair. Additional deep observation pits and/or percolation tests may be required depending on site conditions. Soil testing shall be conducted by a professional engineer and witnessed by the Director of Health or his designated representative.

D. Deep observation pits shall be deep enough to expose the soil to a depth of at least four (4) feet below the bottom of the leaching system. Deep observation pits shall be accurately located on the plan submitted to the Director of Health for review and approval.

E. Percolation tests shall be performed at the depth and location of the proposed leaching system. Percolation test holes shall be accurately located on the plan submitted to the Director of Health for review and approval.

F. All soil testing shall be performed in the manner prescribed by the PHC.

G. Property lines must be clearly visible in the field.

H. Soil testing and site evaluation conducted between June 1 and December 1 may be accepted at the discretion of the Director of Health. The Director of Health reserves the right to suspend soil testing and site evaluation for new lots during unusual dry periods and require monitoring of ground water levels during periods of seasonal high groundwater. Soil testing for new lots shall not be performed when the surface of the ground is not visible due to snow and/or ice cover.

I. The Director of Health may require additional soil testing and site evaluation on any parcel if the information on file is inadequate to determine that the SSDS can be constructed in accordance with the requirements of the PHC and these regulations.

Sec. 30R-2-8. Application for Approval of Plans

A. Applications to approve a plan to alter, repair, enlarge or modify an existing SSDS or to construct a new SSDS shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the PHC. Applications must be signed by the property owner or his duly authorized agent.

B. Two sets of plans prepared by a Professional Engineer (P.E.), licensed by the State of Connecticut, bearing the seal and live signature of the engineer shall be submitted for review. Plans shall be at a minimum scale of 1" = 20', have minimum two foot contours and field topography in the area of the leaching system, contain all soil test results, including

percolation test data, provide a cross sectional detail of the leaching system with all appropriate elevations and any other information needed to ensure Code requirements can be met at the site. One set of returnable building plans must accompany the application.

C. The Director of Health may require that plans for the alteration, repair or modification of an existing SSDS be prepared by a P.E. if, in his opinion, the site presents especially difficult conditions and/or the plan prepared by the owner or his agent does not adequately address the site conditions or does not demonstrate compliance with the PHC.

D. Upon receipt of a properly completed application, plan and supporting documentation, the Director of Health shall review the plan or proposal within ten (10) days of submittal. If the plan is found to be in compliance with the PHC, the Director of Health shall approve the plan and issue a letter of approval, which shall contain any conditions of approval. If the plan is not in compliance with the PHC, the Director of Health shall provide a written report to the design engineer detailing the reasons why the plan has not been approved.

E. The approval of a plan to install a new SSDS or to alter, repair, enlarge or modify an existing SSDS shall not constitute a permit to construct or install and shall expire twelve (12) months from the date of issuance. Plan approvals may be renewed for an additional twelve (12) month period by the Director of Health upon a showing of good cause.

Sec. 30R-2-9. Permit to Construct or Install

A. No person shall construct or install, alter, repair, enlarge or modify any new or existing SSDS without first obtaining a Permit from the Director of Health. Applications shall be made on forms provided by the Director of Health, signed by a licensed installer and shall be accompanied by the appropriate fee as specified in the fee schedule.

B. At time of application, the licensed installer must provide the Director of Health with a copy of his valid subsurface sewage disposal system installer's license issued pursuant to Section 20-341 of the General Statutes..

C. Upon receipt of a properly completed application and fee, the Director of Health shall issue a permit to construct or install a SSDS in accordance with the approved plan together with a copy of the approved plan and the Plan Review with any comments. The permit to construct/install shall expire one year from the date of issuance, and shall not be transferable from place to place or from one installer to another. Permit fee(s) are not refundable.

D. The SSDS shall be constructed in strict accordance with the provisions of the approved plan and the conditions set forth in the Permit to Construct unless such changes or modifications are approved in writing by the design engineer and by the Director of Health.

E. Exceptions to the Code are only granted for the repair, replacement, enlargement or modifications to existing septic systems and shall not be granted for new construction. Permits in locations where Exceptions are needed shall not be issued until the required forms and supporting documentation are submitted to the Director of Health..

Sec. 30R-2-10. Final Approval / Permit to Discharge

A. No SSDS shall be placed into use until it has been inspected and approved by the Director of Health. The licensed installer and design engineer, if so required, shall submit to the Director of Health an "As Built" plan of the SSDS after the final inspection has been completed and the installation has been approved by the inspector. Upon completion of the final inspection and receipt of all required documentation, the Director of Health shall issue a permit to discharge for the system as specified in the PHC.

B. Any Exceptions to the PHC must be noted on the Permit to Discharge.

C. Where the Soil Air process has been utilized, the Permit to Discharge will note any PHC exceptions and will require that monitoring data on system performance is submitted on an annual basis by the licensed installer. The Director of Health shall be notified in writing in the event the Soil Air System is no longer in use. Orders to install a PHC complying system may be issued by the Director of Health if a surface failure occurs while the Soil Air System is in use or if its use is discontinued.

Sec. 30R-2-11. Subdivision Reviews

A. No proposed subdivision requiring private SSDS shall be approved until the Director of Health has observed soil testing on the land thereof and has filed a report regarding the feasibility of SSDS with the planning and zoning commission.

B. All requests for the observation of soil tests at proposed subdivision sites must be made at least one month prior to the planning and zoning commission meeting at which said subdivision sites shall be considered and shall be made in writing on forms provided by the Director of Health. Such requests shall be accompanied by a preliminary subdivision site plan indicating the number and location of each proposed lot, subdivision location relative to existing roads and the appropriate fee as listed in the fee schedule.

C. Prior to site testing, all lots shall be numbered in the field according to the subdivision site plan location.

D. At least three deep observation pits per proposed lot shall be required with two test pits to be dug in the likely areas of the primary and another in the likely area for the reserve. Fewer pits may be acceptable if site conditions warrant such reduction.

E. To assure the accuracy of deep observation pit findings, the Director of Health, or his authorized agent, shall be present during testing.

F. At least two percolation tests shall be performed on each proposed lot by the professional engineer.

G. It shall be the responsibility of the property owner to fill in all test holes after evaluation by the Director of Health.

I. At least three weeks prior to the scheduled planning and zoning commission meeting, the following information shall be submitted to the Director of Health with the appropriate subdivision plan review fee:

1. A site plan showing each proposed lot with possible locations for the septic system, reserve area, well, any drainage control measures, cuts and fills, driveway locations and any other information necessary to demonstrate the feasibility of building on the lot in conformance with the PHC requirements.
2. Storm drainage system/easements, if any.
3. Water courses or intermittent streams, if any.
4. Location of any wetlands as defined by Section 22a-45 of the Connecticut General Statutes, as amended.
5. Site plan design scale shall be a minimum of 1" = 40'
6. Existing and proposed site contours of the subdivision.
7. The accurate location of all soil tests as they relate to a possible house or building location, the well, septic system/reserve areas and any sewer line.

J. All proposed lots must have soil conditions in the area of the leaching system and reserve that meet the minimum requirements of the PHC.

K. When a proposed subdivision includes a lot with an existing structure served by a SSDS, sufficient testing must be performed on that lot to demonstrate the presence of a PHC complying reserve area.

Sec. 30R-2-12. Unhealthful Discharge or Overflow of Sewage

A. No person shall construct or maintain any privy, cesspool, sewage disposal system, pipe or drain so as to expose or discharge sewage or other deleterious liquid or offensive material to the atmosphere, or on the surface of the ground, or into any storm sewer or drain, nor so as to endanger any source of supply of drinking water, nor as to discharge into any watercourse or body of water.

B. The exposure or discharge of sewage shall be eliminated by pumping the septic tank, conserving water by reducing water usage on laundry and installing water conserving devices or any other approved means until the SSDS is repaired or all the plumbing is connected to the public sewerage system. If appropriate, the area of the sewage overflow shall be covered with soil to preclude access to the sewage.

C. Once it is clearly determined by the Director of Health that a SSDS is failing, ORDERS may be issued by the Director of Health specifying actions that are needed to be taken and a reasonable timetable for compliance.

Sec. 30R-2-13. Abandonment of Septic Tank, Cesspools & Leaching Pits

The owner of any septic tank, cesspool and/or any hollow leaching structure or pit, which is no longer in use, or which has been abandoned shall have the unit pumped empty, crushed and filled with an inert material to prevent harm and contamination. The contractor for this

work shall obtain a permit for this activity and provide the Director of Health with a statement of the work done.

Sec. 30R-2-14. Fines

A violation of these regulations is subject to a fine in accordance with Sec. 1-8 of the Darien Code of Ordinances.

ARTICLE III, PRIVATE WELL WATER REGULATIONS

Sec. 30R-3-1. Scope and Purpose

- A. This section shall be known and cited as the Private Well Water Regulations for the Town of Darien
- B. The purpose of this regulation is to protect the health and safety of the citizens of the Town of Darien and to assist in the enforcement of the Public Health Code of the State of Connecticut (PHC) by establishing standards for the construction and testing of private drinking water wells in Darien.
- C. This regulation is enacted pursuant to the powers and duties set forth in Connecticut General Statutes 7-148, 19a-206, 19a-207 and 19-243. Sections 19-13-B51 and 19-13-B101 of the PHC, Connecticut General Statutes Sections 25-126 through 25-137 and the Rules and Regulations of the Well Drilling Board of the State of Connecticut as they are amended from time to time, are hereby adopted as a part of this code.

Sec. 30R-3-2. Definitions

"Approval letter" means a document issued and signed by the Director of Health or his agent stating that the water from a private water well is potable based on the receipt of acceptable water test results.

"Approved private water well" means any private water well that has received official approval of the Director of Health.

"Authorized agent" means the person designated by the Director of Health to act for him in the performance of his duties

"Hydro-fracture" means the injection of water into an existing well designed to increase the yield of the well.

"Notice" means an official document, signed and dated by the Director of Health, containing a statement of the reason for the failure of a private water well to comply with local drinking water standards and copies of the results of all relevant water analyses.

"Owner" means the owner, at time of water sample collection, of the property on which the well is located.

"Parameter" means any measurable physical, chemical, radiological, or bacteriological substance, which may be found in drinking water.

"Person" means any individual, firm, or association, including, but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, or the duly authorized representative thereof, including, but not limited to, a fiduciary, trustee or receiver, thereof.

"Potable water" means water free from impurities in amounts sufficient to cause disease or harmful physiological effects and having bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards.

"Private water well" means a water well serving a single consumer and less than twenty- five (25) persons.

"Public Health Code" means all regulations adopted by the Commissioner of Public Health pursuant to Title 19a-36 of the General Statutes of the State of Connecticut (CGS).

"Re-drilling" means the reworking, deepening or repairing of an existing well site.

"Water well" means an artificial excavation, constructed by any method, for the purpose of providing water for drinking or other domestic use

Sec. 30R-3-3 Defined Terms

Other Codes. Where terms are not defined in this regulation and are defined in either the Connecticut General Statutes or the building, fire safety or public health codes, they shall have the same meanings ascribed to them as in the general statutes or as in these codes.

Terms Not Defined. Where terms are not defined under the provisions of either the General Statutes or the building, fire safety or public health codes, including this regulation, they shall have ascribed to them their ordinarily accepted dictionary meanings or such as the context may herein imply.

Sec. 30R-3-4 Enforcement.

The Director of Health or his authorized agent shall enforce the provisions of this regulation, the General Statutes, and the Public Health Code of the State of Connecticut.

Sec. 30R-3-5. Conflict of Regulations.

In any case where a provision of this regulation is found to be in conflict with a regulation of the Connecticut Department of Public Health and/or the Department of Environmental Protection on the effective date of this regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Sec. 30R-3-6. Permits to Construct

- A. Prior to the construction of any new or replacement private water well, or the renovation of an existing private water well, including, but not limited to, hydro-fracture, re-drilling, or casing extensions, a Well Drilling Permit application shall be submitted to the Director of Health. Permits are also required for irrigation wells and geothermal wells but not required for the installation of a groundwater monitoring well.
- B. The application shall include a plot plan of the property that must show all potential sources of pollution, existing or proposed, including subsurface sewage disposal systems, drainage ditches, footing drains, sewer piping, highway water runoff, underground oil storage tanks, etc., located within 100 feet of the well. The plot plan shall also show the distance to property boundaries within distances relevant to the proposed well under state regulations.
- C. The application shall be accompanied by a permit fee as specified in the fee schedule.

- D. No work requiring a permit as specified in section A of this regulation shall be conducted until the Director of Health or his agent has signed the well drilling permit. The Director of Health may require that a site inspection be made to ensure that the well site meets the requirements specified in section 19-13-B51d of the PHC.
- E. Upon completion of the work for which a permit has been issued, the applicant shall submit a well completion report to the Director of Health.
- F. Documentation of the well pump installation must be submitted by the pump installer on forms provided by the Darien Health Department.

Sec. 30R-3-7. Testing of Private Water Wells

- A. Prior to use, the owner of a new private water well or a well that has been repaired, deepened or altered so that a different water bearing geological layer is used, shall have the water sampled for water quality in accordance with Sections 19-13-B51 (1) and 19-13-B101 of the Public Health Code. The Director of Health may require testing for additional parameters, such as hydrocarbons, pesticides, heavy metals, or radioactivity, prior to approval. The well water shall not be used for drinking purposes until approval of the Director of Health is obtained. If the laboratory tests indicate that the water meets the requirements of Section 19-13-B101 of the Public Health Code, the Director of Health shall approve the results. The Darien Health Department shall maintain a record of all new well test results.
- B. If a new private water well is found to exceed the established water quality standards, based on either the initial or additional re-sampling analyses, the owner of the property shall be notified and advised of this condition(s). For extreme conditions, the Director of Health may require the installation of water treatment as a condition of, and prior to, approval.
- C. If chemical or physical limits, as stated in the Public Health Code are exceeded, and water treatment fails to bring the water into compliance with the Public Health Code, the Director of Health may prohibit the well from being used if, in his opinion, the consumption of the water presents a substantial public health risk.
- D. A Certificate of Occupancy shall not be issued by any other governmental authority for any new structure served by a private water well governed by this regulation without the approval of the Director of Health.

Sec 30R-3-8. Protection and Abandonment of Wells

- A. Section 19a-39 of the Connecticut General Statutes shall govern the protection of wells. Sections 25-128 and 25-134 of the Connecticut General Statutes shall govern the abandonment of wells.

B. In the case of abandonment, the procedure specified in the Rules and Regulations of the Well Drilling Board of the State of Connecticut shall be followed. Following abandonment, the contractor for this work shall provide the Director of Health with a statement of the work done.

Sec. 30R-3-9. Penalty

Any person who shall violate any provisions of this regulation or the Public Health Code of the State of Connecticut shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be subject to a fine of not more than one hundred dollars (\$100) for each day that an offense continues between the date of notice of violations and the date of correction as known by re-inspection, or the date of disposition by a court of competent jurisdiction. Absent proof of a claim that said violation(s) has (have) been corrected as herein provided for, said violation(s) shall be deemed to have continued consecutively each day during the period of time prior to said disposition. In addition thereto, such persons may be enjoined from continuing such violation(s).

ARTICLE IV. FOOD SERVICE ESTABLISHMENT PERMIT is amended as follows:

Sec. 30R-4-1. Authority. These regulations are adopted pursuant Chapter 30, Section 30-1 of the Darien Code of Ordinances. A Regulation Pertaining To the Sanitation of Food Service Establishments and Setting License Requirements, Inspection Requirements, Plan Review Requirements, Fees For Same, And Penalties For Violations.

Sec. 30R-4-2. Purpose. In order to prevent the spread of disease and safeguard the health, safety, and welfare of the inhabitants of the Town of Darien and the general public, the Darien Health Department shall, through a program of inspection, education, enforcement of the Regulations of Connecticut State Agencies, and licensing, regulate food service establishment.

Sec. 30R-4-3. Definitions

A. Authorized Agent means any individual certified by the Connecticut Department of Public Health to inspect food service establishments and enforce the provisions of 19-13-B40, 19-13-B42, 19-13-B48 and 19-13-B49 of the Regulations of Connecticut State Agencies under the supervision or authority of the Director of Health.

B. Fee Schedule refers to those fees proposed by the Director of Health and adopted by the Board of Selectmen, pursuant to Section 30-3 of the Darien Code of Ordinances.

1. Annual Food Service Permit Fee is to be submitted with the permit application/renewal. Annual permits are effective from January 1 until December 31. Applications for new permits submitted after July 1 shall have the Annual Food Service Permit Fee prorated accordingly.

2. Late Fee refers to a fee for a food service establishment submitting its complete food service permit renewal application, Annual Food Service Permit Fee, and supporting documentation after the expiration date of the previous annual permit.

3. Permit Reinstatement Fee shall be required whenever a permit to operate a food service establishment has been suspended or revoked and must be submitted before the permit is reinstated. The Permit Reinstatement Fee shall be in addition to the Annual Food Service Permit Fee, and will not be prorated.

4. Plan Review Fee must be submitted with an application to review plans for a new or renovated food service establishment.

5. Reinspection Fee shall be required whenever a food service establishment requests that a reinspection be performed in order to improve the rating or inspection score. Such reinspections will only be performed after a written itemization of corrective measures is submitted by applicant together with the appropriate reinspection fee.

C. Food Service Classification means the categorization of a food service establishment based on the menu and type of food preparation within the food service establishment. The Food Service Classification of the food service establishment shall be one of the following:

1. **Class I** means a food service establishment with commercially prepackaged foods or beverages only. No preparation, cooking, or hot holding of potentially hazardous foods except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours.
2. **Class II** means a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours.
3. **Class III** means a food service establishment having exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation. A Class III food service establishment shall employ a Qualified Food Operator and a Designated Alternate.
4. **Class IV** means a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public. A Class IV food service establishment shall employ a Qualified Food Operator and a Designated Alternate.

D. Food Service Establishment means any place, other than a private residence, where food or drink is prepared or served, with or without charge, for consumption on or off the premises.

1. ***Itinerant Food Vendor*** is a person, firm or corporation who operates a mobile food service which moves to its customers and does not occupy a fixed location.
2. ***Temporary Food Service Establishment*** means any food service establishment that operates at a fixed location for a period of time, not to exceed fourteen (14) consecutive days, in connection with a fair, carnival, circus, public exhibition, farmer's market or similar transitory gathering.
3. ***Seasonal*** food service establishments are those which serve food six (6) months or less during the year.

E. Food Service Permit may be issued to a person, as defined in Section 1-1(k) of the General Statutes, serving food or drink to the public. A permit may be issued for a specific time period, specific activity, and specific location.

Specific types of Food Service Permits are as follows:

1. ***Initial Permit:*** refers to a permit issued for a new food service establishment or for an existing food service establishment that has had a change in ownership. An Initial Permit is valid for a thirty (30) day period.
2. ***Annual Food Service Permit:*** refers to a permit, renewed annually, issued for a food service establishment.
3. ***Limited Permit:*** refers to a permit issued to a non-profit organization that only prepares foods periodically for special events and are not regular food preparation and service operations.

4. **Temporary Permit:** refers to a permit issued to a person operating a temporary food service establishment.

F. Inspection Report means the report completed by Department of Health, on a form provided by the Connecticut State Department of Public Health, which identify the violations and demerit items found in the food service establishment at the time of inspection.

1. **Critical Violation** means a violation that is more likely than other violations to contribute to food contamination, illness, or environmental health hazard. Such violations shall include four (4) point demerit items on the inspection report for each major risk factor established by the Connecticut Department of Public Health as itemized in Appendix 1
2. **Imminent Health Risk Violation** refers to conditions found within a food service establishment that pose a significant immediate risk to public health which necessitates immediate corrective action or closure of the food service establishment.

G. Qualified Food Operator (QFO) means an individual employed in a supervisory position in a Class III or Class IV food service establishment for a minimum of thirty (30) hours weekly and who has passed a test administered by a testing organization approved by the Department of Health or has submitted documentation satisfactory to the Director of Health attesting to the individual's knowledge of safe food handling techniques as specified in the Regulations of Connecticut State Agencies Sections 19-13-B42 (s) (6), 19-13-B48 (j) (5), and 19-13-B49 (t) (5), as may be amended.

H. Designated Alternate means an individual appointed in writing by the Qualified Food Operator to assume responsibility for the activities within the food service establishment when the Qualified Food Operator is not present. The Designated Alternate shall submit documentation to the Director of Health attesting to his/her knowledge of the same safe food handling techniques as specified in the Regulations of Connecticut State Agencies.

I. Rating means an appraisal of a food service establishment based in sum or in part on the following factors: the absence/presence of Critical Violations, the absence/presence of chronic violations of the Regulations of Connecticut State Agencies, the food service establishment inspection history and prior efforts to correct previous violations, the training and demonstrable knowledge of food service personnel, or overall sanitary conditions in the facility at the time of inspection. Ratings are only issued to Class III and Class IV food service establishments; Class I and II facilities are not rated.

J. Chronic Violations mean violations that have been repeatedly noted in past inspection reports.

Sec. 30R-4-4. Permit Requirements

A. No person shall operate a food service establishment within the Town of Darien unless a valid permit has been issued by the Director of Health or Authorized Agent. A permit may be revoked for noncompliance with the requirements of these regulations, regulations adopted by the State of Connecticut Department of Public Health, and regulations of other Connecticut State Agencies, as they may be amended.

B. Permits shall not be transferable from one person or place to another person or place.

C. Any person desiring to own or operate a food service establishment shall make written application for all required Food Service Permits on forms provided by the Darien Health Department. Such application shall include the name and address of each owner, the location of the establishment, the signature of each owner or its principal officer, and the Qualified Food Operator and Designated Alternate. The appropriate Food Service Permit fee shall accompany the application.

D. All new Class III and IV food service establishments, or any other establishment discharging fats oils and grease must be served by grease recovery or grease interceptor units as approved by local building official and the Department of Public Works. All existing food service establishments must comply with State DEP General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments by July 1, 2011.

E. All permits shall be renewed annually. Permittees desiring renewal of such permits shall file an application with the Darien Health Department prior to the expiration date with the appropriate permit fee and documentation as specified in Section 30R-4-4 (C) of these regulations. For those establishments served by a septic system, verification of septic tank and grease trap maintenance must be submitted. For establishments served by sewers, verification of grease trap maintenance must be provided.

F. If a food service permit renewal application, permit fee, and supporting documentation as specified in Section 30R-4-4(C) of these regulations is submitted after the previous permit expiration date, a Late Fee MAY BE ASSESSED. If a permit is not renewed within thirty (30) days of the expiration date, ORDERS to close the establishment shall be issued by the Director of Health or Authorized Agent.

G. In the case of transfer of ownership of an existing food service establishment to a new ownership, the new owner must demonstrate to the Darien Health Department that the food service establishment is in compliance with Health Department Regulations of the Town of Darien and the State Department of Public Health before a Food Service Permit will be issued. New ownership shall be subject to the Initial Permit procedure as described in Section 30R-4-6 of these regulations.

H. Whenever a food service establishment changes to a different class as determined by the Director of Health or Authorized Agent, the food service establishment shall be reclassified. No food service establishment shall change operations to a different classification without prior written approval from the Director of Health or the Director's Authorized Agent. At the time of reclassification written application for a new permit must be made by the applicant to reflect this change. The appropriate fee shall accompany the application. Any such establishment shall be subject to the Initial Permit procedure as provided in Section 30R-4-6 of these regulations.

I. Permits shall be posted with the most current Rating as provided in Section 30R-4-3(I), in a conspicuous location clearly visible to the public within the food service establishment.

Sec. 30R-4-5. Limited Permits

A. Any non-profit organization that owns or operates a food service establishment that is used periodically for food preparation or service shall make written application for a Limited Permit on forms provided by the Darien Health Department. Such application shall include the name of the organization, contact person(s), and a summary of expected events to be held during the year.

B. Prior to approval of an application for a Limited Permit, the Darien Health Department shall inspect the food service establishment to determine compliance with these Regulations, and the Regulations of the State Department of Public Health.

C. If the food service establishment passes the inspection referred to in subsection (B) of this Section, the Health Department may issue a Limited Permit to the organization owning or operating the food service establishment. The Limited Permit is effective from January 1 until December 31 and shall be renewed annually upon application by the organization. Food service establishments with Limited Permits shall not be subject to the Initial Permit procedure as described in Section 30R-4-6 of these regulations.

D. Ratings will not be issued for establishments receiving Limited Permits.

Sec. 30R-4-6. Initial Permits

A. A preoperational inspection shall be conducted by the Director of Health or Authorized Agent to determine compliance with the approved plans and specifications, regulations of the Town of Darien and the State Department of Public Health. If the food service establishment passes the preoperational inspection, the Health Department may issue an Initial Permit effective for thirty (30) days. The issue date of an Initial Permit shall be on the day of the preoperational inspection. An Initial Permit shall be replaced with an Annual Food Service Permit when the food service establishment operations are deemed compliant with Darien Health Department Regulations and the Regulations of the State Department of Public Health by means of an inspection conducted during this Initial Permit period. The failure of the Health Department to inspect the food service establishment within such thirty (30) days shall result in the automatic extension of the Initial Permit until an inspection is conducted.

B. If the food service establishment is found to be noncompliant with these Regulations or Regulations of the Connecticut Department of Public Health at the time of inspection during the Initial Permit period, the Health Department may renew the Initial Permit for an additional thirty (30) days. Should the establishment continue to be noncompliant at the time of re-inspection during this extension period, a Hearing shall be held within thirty days and shall be conducted in accordance with Section 30R-4-14 of these regulations. If the applicant has not demonstrated that the food service establishment is compliant with local and state regulations after an inspection conducted after the Hearing, ORDERS to close the facility shall be issued by the Director of Health.

C. Ratings shall not be issued for food service establishments receiving Initial Permits.

Sec. 30R-4-7. Temporary Permits

A. A completed application for a Temporary Food Service Permit should be submitted no less than 14 days before the event. The application for a temporary food service establishment shall include contact information, the address and dates the event will be held, primary food handlers, proposed menu, sources of food and a sketch showing the location of food storage and dispensing equipment. The appropriate fee shall be submitted in accordance with the approved Fee Schedule. If the proposed location is served by a well, a water analysis shall accompany the application verifying that the water meets the requirements of the Regulations of Connecticut State Agencies.

B. Permits issued to temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days and shall be limited to a one time renewal.

C. Vendors at farmer's markets or similar transitory gatherings who perform any food preparation or service must obtain a Temporary Food Service Permit from this office.

D. Failure to obtain a Temporary Food Service Permit could result in the food service establishment being excluded from the event.

E. Ratings will not be issued for establishments receiving Temporary Food Service Permits.

Sec. 30R-4-8. Plan Review Approval

A. Whenever a food service establishment is constructed or when the food preparation and storage facilities are being renovated in an existing food service establishment or a change in food service classification is being proposed, properly prepared plans and specifications for such construction or alteration shall be submitted to the Health Department for review and approval before construction or alterations may begin. Plans and specifications shall include the proposed layout, arrangement, and construction of all areas within the food service establishment and the type and model of all proposed equipment. All such equipment shall be National Sanitation Foundation (NSF) approved or equivalent. An application for plan review and approval shall be submitted together with plans, specifications and the appropriate Plan Review Fee as provided in the Fee Schedule. Such application shall include proposed number of seats, proposed class, a proposed menu, verification of connection to an adequate and safe water supply, documentation regarding the adequacy of wastewater and grease control system(s), together with evidence of the employment of a QFO and a Designated Alternate.

B. In no case shall renovations or alterations be made in an existing food service establishment without the permit holder or QFO obtaining prior approval of such proposed renovations or alterations from the Health Department.

Sec. 30R-4-9. Inspections

A. All food service establishments shall be inspected by the Director of Health or Authorized Agent of the Director of Health, if such Director or Agent has been certified by the Commissioner of Public Health. As many additional inspections or reinspections shall be

conducted as are necessary to enforce these Regulations and the Regulations of Connecticut Department of Public Health and protect the health of the public.

B. All food service establishments shall maintain a copy of the most recent inspection report at the permitted food service establishment. Upon request, the report will be available for review by the Director of Health or Agent.

C. All inspection reports, exclusive of those undergoing an appeal process, are public documents available during normal business hours at the Health Department office.

Sec. 30R-4-10. Ratings and Inspections

A. A Rating shall be provided by the Director of Health or Agent to the food service establishment's QFO or Designated Alternate with the inspection report at the conclusion of each inspection. Ratings shall be based in sum or in part on the following factors: the absence/presence of Critical Violations as described in Appendix I that are likely to cause food borne illness, the absence/presence of chronic violations of the Regulations of the Department of Public Health, the food service establishment inspection history and efforts to correct previous violations, the training and demonstrable knowledge of food service personnel, or overall sanitary conditions in the food service establishment at the time of inspection.

B. All Class III and Class IV food service establishments shall receive Ratings during inspections as follows:

1. *Good:* A food service establishment shall receive a Good Rating when safe food handling practices with no critical violations as itemized in Appendix I were observed at the time of inspection and the facility was found to be in considerable compliance with the factors outlined in Section 30R-4-10(A)

2. *Fair:* A food service establishment shall receive a Fair Rating when the minimum requirements of the Connecticut Public Health Code were met at the time of inspection but improvements were needed in the food handling practices of food service personnel and a need to enhance compliance with factors outlined in Section 30R-4-10 (A).

3. *Poor:* A food service establishment shall receive a Poor Rating when critical or chronic violations that are likely to cause food borne illness were evident at the time of inspection, or the food service establishment received a score below eighty (80) or had one (1) or more four (4) point demerit items in violation, or was not in compliance with the factors outlined in Section 30R-4-10 (A).

C. All food service establishments must post their most current Rating provided during the inspection by the Director of Health or Agent. The Rating must be posted in a conspicuous location clearly visible to the public near the current Annual Food Service Permit and remain posted until the next scheduled inspection. If the owner or QFO requests a reinspection in accordance with Section X(D) of these regulations, the Rating does not have to be posted until the requested reinspection is completed.

D. The owner or QFO of any food service establishment may at any time request an inspection for the purpose of improving the score or the Rating of the food service establishment. Within 10 (ten) days following receipt of a written request for the reinspection, a signed statement itemizing the corrective measures that have been taken, together with the appropriate reinspection Fee, the Director of Health or Agent shall make a complete reinspection and issue a new Rating as appropriate. There can only be one request for reinspection made for each regular inspection.

E. Ratings are not given with inspections performed for Temporary Events, Limited Permits and Initial Permits.

Sec 30R-4-11. Enforcement

A. If a food service establishment receives a Poor Rating, or fails an inspection with a score below eighty (80), or has one (1) or more four (4) demerit items at the time of inspection, the Director or Agent shall itemize those items in violation to be corrected within two (2) weeks, whereupon the Director or Agent shall make a complete reinspection and issue a new inspection report and Rating.

B. If a food service establishment fails its regular inspection or reinspection or receives a Poor Rating more than once within one year, the Director of Health shall hold a Show Cause Hearing. The owner and QFO shall specify methods for correcting violations and a timetable for achieving compliance must be submitted in writing at the Hearing. If the methods for correcting violations are not completed within the agreed upon timetable, the Food Service Permit may be subject to immediate suspension.

C. If a food service establishment receives a Poor Rating, or receives a score below eighty (80), or has one (1) or more (4) point demerit items in violation on its reinspection, the food service permit shall be subject to suspension or revocation in accordance with Sections 30R-4-12, 13, and 14 XII, XIII and XIV of these Regulations.

D. If a food service establishment fails to post the most recent Rating as described under Section 30R-4-10 (C) of these Regulations, the Director of Health may Order the establishment to post its most current rating. If the Order is not followed, the Director of Health may assess a fine in accordance with Section 30R-4-17 of these Regulations.

E. If a food service establishment receives a Poor Rating or fails an inspection within two years of a previous suspension of a Food Service Permit, the permit may be suspended or revoked by Director of Health.

F. In the case that a QFO is not employed onsite, except as provided by the QFO replacement provision in Section 19-13B-42 (s) (7) of the Regulations the Department of Public Health, the food service establishment has thirty (30) days to comply. If compliance is not achieved within this period, the Director of Health may suspend or revoke the Food Service Permit and ORDER the food service establishment to close.

Sec 30R-4-12. Suspension of Permit

A. The Director of Health may suspend a permit to operate a food service establishment if the permit holder does not comply with these regulations or Regulations of the Department of Public Health.

B. Prior to such action, the Director of Health shall notify the permit holder in writing by issuing a “*Notice of Intent to Suspend*” stating the reasons for which the permit is subject to suspension, and advising that the permit shall be suspended at the end of five (5) days following service of such Notice, unless an *Appeal* for a hearing is filed in accordance with Section 30R-4-14(B) of these Regulations. If an Appeal is received, the Suspension will be held in abeyance until such Hearing is held and a decision is rendered.

C. In the event that a hearing request is not made by the permit holder, the suspension shall go into effect after five (5) days have elapsed from the date of the service of the Notice. At such time, an ORDER shall be issued by the Director of Health to cease all food service operations. No such operations shall resume without written approval of the Director of Health.

D. A suspended permit will be reinstated only after a satisfactory reinspection of the facility and payment of the permit reinstatement fee.

Sec. 30R-4-13. Revocation of Permit.

A. When serious violations of any of the requirements of these Regulations or the Regulations of Connecticut State Agencies, are observed which may be considered to pose an imminent health risk to patrons of the establishment, or for interference with the Director of Health or Authorized Agent in the performance of their duties, the permit may be revoked and ORDERS to close the establishment will be issued by the Department of Health. The permit holder or person in charge shall immediately cease all food operations, and such operations shall not be resumed without written approval of the Director of Health.

B. Any Permit holder who has had their Permit revoked shall have an opportunity for a Hearing in accordance with Section 30R-4-14(C) of these regulations.

C. A revoked permit will be reissued only after a satisfactory reinspection of the facility and payment of the Permit Reinstatement Fee.

Sec. 30R-4-14. Hearings and Appeals

A. Show Cause Hearings shall be held by the Director of Health or his designee when deemed necessary and are required whenever a food service establishment fails two inspections or receives two Poor Ratings within one year. The owner and QFO of the food service establishment shall be given adequate notification of the time and location of the Hearing and shall provide written documentation and testimony at the Hearing to establish whether the food service establishment is in compliance or how it will be brought into compliance with the Darien and State Regulations.

B. Suspension Hearings shall be conducted by the Director of Health or his designee provided a written *appeal* for such action is filed with the Director of Health by the permit holder within five (5) days after a **NOTICE OF INTENT TO SUSPEND** has been provided in accordance with Section 30R-4-12 B. Appeals for Hearings must include a written itemization of corrective measures taken to address those items noted as deficiencies in the NOTICE.

1. Suspension Hearings must be held within five (5) business days of the receipt of the written appeal from the permit holder.
2. A decision as to whether to suspend the permit shall be made within 24 hours of the Hearing.
3. A written report with conclusions and an itemization of any conditions agreed upon at the hearing shall be furnished to the permit holder within five (5) business days of the hearing date.

C. Permit Revocation Hearings shall be held if an Appeal is filed with the Director of Health within forty-eight (48) hours of service of the Notice of Permit Revocation and the ORDER to close. Hearings shall be held within five (5) days of the receipt of the Appeal which must contain detailed itemization of the corrective measures taken to address deficiencies cited in the ORDER. The establishment shall remain closed in accordance with the ORDER until a decision is made at the Hearing.

D. Upon the decision of the Director of Health to suspend or revoke the permit to operate, an **ORDER** to immediately cease all food preparation and service operations shall be issued. The owner of a food service establishment who is aggrieved by such ORDER of the Director of Health may, within forty-eight (48) hours, *appeal* to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify, or affirm such action. Copies of any such appeals must be filed with both the Commissioner of Public Health and the Director of Health.

Sec. 30R-4-15. Right of Entry to Inspect.

The Director of Health or Agent, after proper identification, shall be permitted to enter during business hours or at any other reasonable time, any food service establishment for the purpose of making inspections to determine compliance with these Regulations and Regulations of the Department of Public Health. The Director of Health or Agent may examine records of the establishment to obtain information pertaining to food and supplies purchased, received or used, persons employed, and employee training records, but not including financial records. Refusal to allow entry to inspect shall result in a presumption that the establishment presents an immediate and substantial hazard to the public health, and the Director of Health may issue a Notice of Violation/Order of Abatement that requires immediate access to the establishment or the establishment will be ordered to close.

Sec. 30R-4-16. Food From Establishments Outside of Darien

Food from food service establishments outside the jurisdiction of the Darien Health Department may be sold in the Town if such food service establishments conform to the provisions of the Connecticut Public Health Code. To determine the extent of compliance

with such provisions, the Director of Health or Agent may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

Sec, 30R-4-17. Penalties. Violation of these Regulations and Regulations of Connecticut State Agencies are subject to the penalties provided for in Sections 19a-36, 19a-220, and 19a-230 of the Connecticut General Statutes, and Sections 19-13-B1& 2 of the Regulations of Connecticut State Agencies.

Appendix 1

Summary of violations associated with major risk factors

From the Inspection Report of Food Service Establishments as published by the State of Connecticut Department of Public Health (focused inspection 1/2002)

Food Source

#1. Approved Source, wholesome, non-adulterated

Food Temperature

#3. Potentially hazardous food meets temperature requirements during storage, preparation, display, service and transportation

#4. Adequate facilities to maintain product temperature, thermometers provided

Personal Hygiene

#9. Handling of food minimized

#12. Personnel with infection restricted

#13. Handwashing facilities provided (adequate handwashing practiced)

#15. Good hygienic practices

#38. Suitable hand cleaner and drying provided

Cross contamination / Contaminated equipment

#7. Food protected during storage, preparation, display, service and transportation

#24. Sanitization rinse (hot water – chemical)

#25. Clean wiping cloths

#26. Food contact surfaces of utensils and equipment clean

#30. Hot and cold water under pressure, provided as required

Personnel

#60. Qualified Food Operator

#61. Designated Alternate

#62. Written documentation of training program

Note: Any modifications to Appendix 1 would be in accordance with modifications in the regulations or standards as promulgated by the Connecticut Department of Public Health.

ARTICLE VI GARBAGE AND RUBBISH (Delete and renumber)

Sec. 62R-1 Licenses for business vehicles required; filing schedule of rates.

Before engaging in the business of collecting and transporting garbage and rubbish, contractors shall obtain licenses and obtain a plate to operate each separate vehicle and shall file a schedule of their rates then in effect.

[DELETE: Sec. 62R-2. Notices of inspections; duration of license.

Contractors shall be notified of the time and place for an inspection by officials of the town health department. Licenses shall be issued on a calendar year basis.]

[DELETE: Sec. 62R-3. Vehicle and container unit initial inspections required.

Contractors shall obtain a certificate dated within a period of two weeks prior to application to the health department, from the local police department stating that each vehicle conforms with the rules and regulations of the state department of motor vehicles relating to commercial vehicles. Each vehicle or container unit shall also pass an inspection of the town health department to ensure compliance with the regulations relating to garbage and refuse vehicles.]

[DELETE: Sec. 62R-4. Issuance and display of license plate.

When the vehicles have been approved by the police and health departments and the payment of the prescribed fee has been made, a license plate for the calendar year shall be issued for each vehicle. This plate shall be attached to the left side of the specific vehicle and shall be carried at all times.]

Sec. 62R-2. Failure to display plate punishable.

Failure to carry a current plate shall render the operator of the vehicle liable to the penalties under section 1-8 of the Code of Ordinances and to the penalties under section 62R-12 of these regulations.

Sec. 62R-3. Plate prerequisite to refuse disposal.

No load shall be accepted at the town transfer station unless the plate is displayed.

[DELETE: Sec. 62R-7. License applies to container unit in certain cases.

In the case of garbage vehicles consisting of a cab and a detachable garbage container unit, it is the container unit that shall be licensed by the director of health in accordance with sections 22-2(e) and 22-6 of the Code of Ordinances [now §§ 62-3(d) and 62-7].]

Sec. 62R-4. Replacement of lost plate.

When a license plate becomes lost, it shall be replaced upon payment of a fee of \$5.00 to cover the cost of the replacement. Such replacement plate shall be affixed only to the vehicle or container unit which has been licensed.

Sec. 62R-5. Carrying items on tailgate.

No rubbish or garbage shall be carried on the tailgate of any vehicle. Furniture or equipment that is properly tied down may be carried on the tailgate.

Sec. 62R-6. Covering of refuse during transportation.

The covers on garbage and refuse vehicles shall be kept closed while such vehicles are in transit to or from the point of collection of such garbage or refuse or to or from the town incinerator or refuse disposal site. The covers on such vehicles shall also be kept closed when the vehicles are not being loaded or unloaded, and no such vehicle shall be parked on any public highway, street, or place except temporarily or for the purpose of loading or unloading the contents thereof. One cover on such vehicle may be left open while such vehicle is actively engaged in picking up garbage or refuse for disposal, provided no run exceeds one-half mile between points when garbage or refuse is being collected.

[DELETE: Sec. 62R-11. Periodic inspections of vehicles and equipment.

All vehicles and equipment used in the transportation and collection of garbage or refuse within the town shall be subject to inspection by the director of health or his authorized agent, or by members of the police department at all times when such vehicles and equipment are being so employed.]

Sec. 62R-7. Enforcement.

These regulations shall be enforced by the director of public works. Penalty for violation may be loss or suspension of license and a fine of up to \$100.00 for each violation. Each day such violation is continued shall be deemed a separate offense and shall be punishable as such.

**ARTICLE VII. BARBERSHOPS, HAIRDRESSING AND
COSMETOLOGY SHOPS
DIVISION 1. GENERALLY**

Sec. 30R-7-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning-

Barbering means and includes the following described practices when performed by a barber licensed in the state upon the head, face, scalp or neck for cosmetic purposes only:

- (1) The cutting, trimming, or shaving of the hair.
- (2) Singeing, shampooing, dyeing, coloring or styling of the hair.
- (3) The application of cosmetic preparations, hair tonics, antiseptics, powders, oils, clays, creams or lotions.
- (4) Giving facial and scalp massage or the application of oils, creams, lotions, or other preparations, either by hand or mechanical appliances.

Barbershop means any establishment engaged in the practice of barbering for the public.

Director of Health means the Darien Director of Health or his duly authorized representative.

Hairdressing and *cosmetology* mean and include the following described practices performed by a licensed hairdresser/cosmetician in the state upon the head, face, scalp, arms, hands, body, legs and feet for cosmetic purposes only:

- (1) Dressing, arranging, curling, waving, weaving, cutting, singeing, relaxing/ straightening, bleaching and coloring hair.
- (2) Treating the scalp, face, neck and arms by massaging, cleansing, exercising, stimulating or manipulating, with the hands, mechanical appliances, or water.
- (3) Applying cosmetics, preparations, antiseptics, tonics, lotions, creams, powders, oils, clays, sprays, or any product pertaining to the skin.
- (4) Manicuring fingernails of the hand and, for cosmetic purposes only, pedicures, trimming, filing and painting the healthy toenails of the feet, excluding cutting nailbeds, corns, calluses, or other medical treatment involving the foot or ankle

Hairdressing or *cosmetology shop* means any establishment engaged in the practice of hairdressing, cosmetology, or barbering for the public.

Mobile work station means a modular space which can be used for multiple purposes through the use of mobile equipment.

Nail technician means a person who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails.

Operator means any person, including, but not limited to, a licensed hairdresser/cosmetician or barber, or unlicensed person who is performing tasks allowed under the scope of this article and the public health code of the state.

Other services means the following described practices which can be performed by an unlicensed individual under the supervision of a licensed hairdresser/cosmetician in the state:

- (1) Manicuring nails of the hands or providing pedicures for the feet.
- (2) Performing facials.
- (3) Shampooing of the hair.
- (4) Eyebrow arching.
- (5) Braiding hair.

Shampoo station. A shampoo station consists of a shampoo bowl (sink) and a shampoo chair.

Working area means a separate room with more than one work station, or a private room set aside to serve one customer at a time.

Work station means a chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.

Sec. 30R-7-2. Plan review and pre-operation inspections.

(a) No barbershop, hairdressing and/or cosmetology shop having a permanent location shall be relocated, constructed, remodeled or extensively altered, nor shall a structure be converted to use as a barbershop or hairdressing and/or cosmetology shop, except in accordance with plans and specifications approved by the town health department.

(b) Properly prepared architectural plans drawn to a scale of not less than one-quarter-inch to one foot ($3/4":1'$), and specifications for such construction, remodeling or alteration shall be submitted to the director of health, or authorized agent, for review and approval before relocation, construction, remodeling, alteration, change of ownership, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The plans and specifications shall be submitted with forms furnished by the director of health. The director of health shall approve the plans and specifications if they meet the requirements of these regulations and the public health code of the state. Copies of the plans shall be submitted to the other town agencies as required.

(c) Prior to the barbershop's, hairdressing and/or cosmetology shop's opening, the director of health, or authorized agent, shall conduct a preoperational inspection to determine compliance with the approved plans and specifications and with the requirements of this article and the public health code of the state.

Sec. 30R-7-3. Annual inspections.

At least once a year, the director of health, or authorized agent, shall inspect each barbershop, hairdressing and/or cosmetology shop and shall make as many additional inspections as are necessary for the enforcement of these regulations and the public health code of the state.

Sec. 30R-7-4. Hearings.

The director of health shall conduct the hearings provided for in this article at a time and place designated. The director of health shall summarize the proceedings of such hearings and provide sufficient copies. The director of health shall make a final finding based upon the complete hearing record, and shall sustain, modify or rescind any notice or order considered in the hearing. The director of health shall furnish a written report of the hearing decision to the permit holder within ten calendar days of the hearing date.

Sec. 30R-7-5. Service of notices or orders.

A notice or order provided for in these regulations is properly served when it is delivered to the permit holder, or person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A completed and signed inspection report shall constitute a written notice.

DIVISION 2. PERMITS

Sec. 30R-7-10. Required; compliance.

No person shall maintain or operate any barbershop or hairdressing and/or cosmetology shop without having a valid permit issued by the director of health. Only a person who complies with the requirements of these regulations and the Public Health Code shall be entitled to receive or retain such a permit.

Sec. 30R-7-11. Fees.

The fees provided for in these regulations shall be proposed by the director of health within limits established by the General Statutes and approved from time to time by the board of selectmen after public notice and public hearing.

Sec. 30R-7-12. Application.

(a) *Forms; validity.* Application for a permit shall be made on forms furnished by the director of health, wherein the applicant shall state his name, address, the address of the place of business, give such other pertinent information as the director of health may require and affix his signature to the application. All permits are valid for one year, or a portion thereof, and are renewable each year on or before September 30 of each year. The chief corporation officers shall be designated for service in the event of a corporation.

(b) *Fee.* Every application for a permit to operate a barbershop, hairdresser shop or cosmetology shop shall pay a permit fee as determined by section 30R-6-11.

Sec. 30R-7-13. Issuance or renewal.

No permit shall be issued or renewed until a completed application has been submitted, the permit fee has been paid and the applicant's barbershop or hairdressing and/or cosmetology shop meets the requirements set forth in these regulations and all other applicable state and local regulations.

Sec. 30R-7-14. Validity.

Permits shall be valid until the expiration date indicated on the permit unless suspended or revoked by the director of health, or until such time as the facility changes owners, closes, or goes out-of-business.

Sec. 30R-7-15. Transferability.

Permits shall not be transferable from person to person or from location to location.

Sec. 30R-7-16. Right of entry for inspections.

The director of health, or his agent, after proper identification, shall be permitted to enter, during normal operating hours, any portion of any barbershop or hairdressing and/or cosmetology shop for the purpose of making inspections to determine compliance with these regulations and the public health code of the state.

Sec. 30R-7-17. Temporary permit.

A temporary permit to operate a barbershop or hairdressing/cosmetology shop may be granted for a period not to exceed 14 calendar days. A temporary permit would be required for conducting a public demonstration, a fundraising event or a public convention.

Sec. 30R-7-18. Suspension and revocation.

(a) Failure to comply with the provisions of these regulations and applicable state regulations shall be grounds for revocation or suspension of any permit issued under the provisions of these regulations.

(b) In the event that the director of health finds unsanitary conditions in the operation of a barbershop or hairdressing and/or cosmetology shop, or if a violation or set of violations appears on more than one consecutive inspection report, the director of health may immediately issue a written notice to the permit holder, or person in charge, citing such conditions, specifying the corrective action to be taken and the time frame within which such action shall be taken. If correction is not made in the allotted time, the permit may be revoked or suspended.

(c) The director of health may suspend, without warning, prior notice or hearing, any permit to operate a barbershop or hairdressing and/or cosmetology shop, as follows:

- (1) If the operation constitutes an imminent hazard to public health; or
- (2) If the owner, operator or person in charge has interfered with the performance of the director of health's duties.

(d) An imminent health hazard shall include, but is not limited to, any one of the following:

- (1) An ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers;
- (2) The absence of potable water, supplied under pressure, in a quantity which, in the opinion of the director of health, is capable of meeting the needs of the facility;

- (3) A sewage backup into the facility; or
- (4) An unlicensed individual performing procedures requiring licensure by the public health code of the state. An individual who does not hold a valid hairdressing/cosmetician license in the state is not allowed to perform pedicures, including polish changes on the feet.

(e) Suspension shall be effective immediately upon delivery of the written order to the permit holder or person in charge of the facility by the director of health. When a permit is suspended, all cosmetology operations shall cease immediately and shall not resume until written approval to resume has been issued by the director of health. The director of health shall remove a suspended permit from the premises.

f) When a permit is suspended, the holder of a permit, or the person in charge, shall be notified in writing of the suspension, and an opportunity for a hearing will be provided if a written request for hearing is filed with the director of health by the holder of the permit within 48 hours. The director of health may end the suspension at any time by giving written notice to the permit holder *if* reasons for suspension no longer exist.

(g) Upon receiving a request for a hearing, the director of health shall immediately examine the merits of such suspension and may vacate, modify or affirm such suspension.

(h) The permit holder who is aggrieved by such action of the director of health may, within 48 hours after the making of such decision, appeal to the commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate modify, or affirm such suspension.

Sec. 30R-7-19. Permit revocation/nonrenewal.

(a) The director of health, after providing opportunity for hearing, may revoke or refuse to renew the permit of any person for serious or repeated violations of any of the provisions of these regulations, or for interference with the director of health in the performance of official duties or for cases where the permit to operate has been obtained through nondisclosure, misrepresentation or intentional misstatement of a material fact.

(b) Prior to revocation or nonrenewal, the director of health shall notify the permit holder, or person in charge at the facility, of the specific reason for such revocation or nonrenewal, and that permit shall be revoked or not renewed at the end of ten calendar days following service of such notice, unless a written request for hearing is filed with the director of health by the holder of the permit within 48 hours of such notice, the revocation or nonrenewal becomes final. The director of health shall remove a revoked permit from the premises.

Sec. 30R-7-20. Permit reinstatement.

(a) *Suspension.* Whenever a permit has been suspended, the holder of the suspended permit may make written request for permit reinstatement. Within ten days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing the suspension have been corrected, the director of health shall make a reinspection. If the director of health determines that the applicant has complied with the requirements of these regulations and the state public health code, the permit shall be reinstated and returned to the permit holder.

(b) *Revocation/ nonrenewal.* After a period of 60 days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit. This application will be treated as a new application. All appropriate procedures and inspections will be required, including a plan review.

DIVISION 3. SPECIFIC STANDARDS AND REQUIREMENTS

Sec. 30R-7-30. Equipment and facilities.

(a) *Water supply.* An adequate supply of hot and cold running water, at proper temperatures, from a municipal or approved private source shall be provided for service for customers, cleanliness of employees and for washing floors, walls, ceiling and equipment.

(b) *Temperature.* Hot water at any faucet shall not exceed 110 degrees Fahrenheit.

(c) *Waste disposal.* Wastewater from all plumbing fixtures shall be discharged into municipal sewers, otherwise, suitable facilities shall be installed for the absorption of the wastes by the soil in subsurface sewage disposal systems in accordance with provisions of the public health code of the state and the town health department.

(d) *Plumbing fixtures.*

- (1) Plumbing fixtures shall be of impervious material and of a type which is easily cleanable. They shall be free from cracks and from parts, which are not readily accessible for cleaning. They shall be of a type which does not constitute a hazard to a public water supply through backsiphonage, or cross connection.
- (2) All plumbing installation and fixtures shall conform to applicable building and plumbing codes.
- (3) Shampoo bowls shall be used for barbering, hairdressing and cosmetology work only.
- (4) A stainless steel utility sink shall be provided for the proper cleaning of surfaces and equipment.
- (5) At least one stainless steel handwash facility shall be located in each private treatment room and in each work area in order to provide for proper handwashing before each customer. Those premises in operation prior to January 1, 2004, are exempt from this requirement.
- (6) A mop sink must be provided for cleaning the facility. Those premises in operation prior to January 1, 2004, are exempt from this requirement.

(e) *Floors.* Floors shall be nonporous and of such construction as to be easily cleaned. Floors where tinting or shampooing are done, or where chemicals for bleaching hair are used, shall have hard and washable surfaces. Floors shall be kept clean and in good repair. Carpeting or similar material used for floor covering in nonwork areas shall be of light color with a single loop pile of not more than one-fourth inch in height. Such floor covering shall be kept clean by vacuuming at least daily and shampooing at least once annually and more frequently if the covering is not clean. All floor/wall junctures shall be properly coved with a sanitary type caving.

(f) *Lighting.* Lighting fixtures shall be of sufficient number and properly placed so as to provide adequate illumination.

(g) *Ventilation.* The shop shall be properly and adequately ventilated so as to remove excess heat and odors. Salon ventilation shall comply with state and local building codes and ordinances.

(h) *Cabinets.* Cabinets shall be provided for storage of clean linen, towels, blankets and gowns. They shall have tight fitting doors that shall be kept closed to protect the linen, towels, blankets and gowns from dust and dirt.

(i) *Receptacle for used towels and gowns_* A covered receptacle, which can be readily emptied and cleansed, shall be provided and maintained in a sanitary manner. Chemically soiled towels and linens shall be stored in fire-retardant containers. All receptacles shall be properly labeled.

(j) *Refuse.*

- (1) Covered containers for hair droppings, paper and other waste material shall be provided and maintained in a sanitary manner.
- (2) A plot plan shall be submitted showing location of exterior refuse containers.

(k) *Toilet facilities.*

- (1) Adequate toilet facilities and handwash sinks must be provided for customers and employees. Such facilities and wash basins shall be kept clean and in working order.
- (2) Adequate and conveniently located handwashing facilities shall be provided with hot and cold running water, a sanitary soap dispenser, single-use towels for customers and employees and waste receptacles.
- (3) The use of common soap for more than one person is prohibited.
- (4) A covered refuse receptacle shall be provided in the ladies' room.

(l) *Workstations.*

- (1) Chairs in workstations shall be at least 54 inches apart, center-to-center. Those premises in operation prior to January 1, 2004, are exempt from this requirement.
- (2) A two-foot-wide workspace shall be maintained behind each chair for the operator. Those premises in operation prior to January 1, 2004, are exempt from this requirement.
- (3) Three-foot-wide aisles that are separate and discrete from work areas shall be maintained throughout the shop.
- (4) No hair dryers shall be placed in any waiting room or encroach on the required three-foot-wide aisle space.
- (5) Mobile stations must be designed to provide the same workspace and separating distances as fixed stations. For a mobile station, it is assumed that the dryer can be accommodated in the workspace designated for the operator.

(m) *Barbershop or hairdressing and or cosmetology shop in residence.*

- (1) A barbershop or hairdressing and/or cosmetology shop located in a residence must be confined to a separate room, separated with ceiling- high partitions and provided with a door to be closed at all times.
- (2) The area within a home operated as a barbershop or hairdressing and/or cosmetology shop must be equipped with the facilities and instruments required in all such establishments.

Sec. 30R-7-31. Maintenance and operation.

(a) General cleanliness.

- (1) The permittee of every barbershop or hairdressing and/or cosmetology shop shall keep it in a clean and sanitary condition at all times.
- (2) No hair droppings shall be allowed to accumulate on floors. Hair droppings shall be removed frequently and as soon as possible, in such a manner as not to cause objectionable conditions.

(b) Walls, ceilings and fixtures.

- (1) Ceilings shall be kept in good repair, and cracks in walls, especially around baseboards, shall be filled in so as to prevent the harboring and breeding of insects.
- (2) Cabinets, shelves, furniture, shampoo bowls and fixtures shall be kept clean and free of dust, dirt and hair droppings. Arms, seats and rests of chairs shall be wiped of hair droppings after serving each customer.

(c) Sanitary services.

- (1) No person affected with any infectious disease shall be attended.
- (2) A towel shall not be used for more than one person without being properly laundered before each use.
- (3) A sanitary paper strip or clean towel shall be placed completely around the neck of each customer before an apron or any other protective device is fastened around the neck.
- (4) Clean towels shall be delivered in a closed container and kept in a clean, closed cabinet or closet. A commercial linen service shall be used for laundering if not done on the premises.
- (5) A sanitizing agent shall be used when washing towels and linens on the premises.

(d) Sanitation of equipment and implements.

- (1) Hair brushes, combs and all other implements used on a customer shall be kept clean and sanitary at all times and shall undergo thorough cleansing and sanitizing after serving each customer or single-service disposable implements.
- (2) Cleaned and sanitized implements shall be stored in sanitary-covered containers which shall contain a disinfectant, or in a clean drawer.
- (3) After handling a customer affected with an eruption or whose skin is broken out or is inflamed or contains pus, the instruments shall be effectively cleaned, washed with soap or a detergent and water, then rinsed with water having a temperature of at least 170 degrees Fahrenheit or allowed to remain for five minutes in alcohol (70 to 80 percent) or some other approved disinfectant or sanitizing process.
- (4) Shaker-top containers must be provided for dispensing lotions and powders.
- (5) Single-service towels, papers and other material shall be disposed of in the proper receptacle immediately after use and shall not be used again
- (6) All disposable materials that come into contact with blood and/or body fluids shall be disposed of in sealable plastic bags prior to placing in the waste receptacle.
- (7) All articles that come into direct contact with the customer's skin, nails, or hair that cannot be effectively cleaned and sanitized shall be disposed of in a covered waste receptacle immediately after use. Exception: orange sticks, emery boards, buffing

squares, cosmetic sponges and disposable nail bits may be kept for the original customer if kept in a covered container labeled with the customer's name.

(e) *Shaving brushes, mugs, finger bowls, and credo blades.* The use of shaving brushes, shaving mugs and credo blades is prohibited. The use of finger bowls for manicuring purposes is allowed, but the finger bowl must be properly cleaned and sanitized after each customer. Disposable, single-use finger bowls may be used.

(f) *Alum and other astringents.* Alum or other material used to stop the flow of blood shall be applied in powdered or liquid form only.

(g) *Neck dusters, powder puffs, makeup brushes and sponges.* The use of brush neck dusters, powder puffs, makeup brushes and sponges is prohibited unless they are single-use disposable implements.

(h) *Foods and beverages.* Foods and beverages shall not be prepared, stored or sold in the permitted premises, except with a valid food permit from the town health department. Coffee and tea may be prepared and kept for the convenience of employees and patrons, but no charge is to be made to patrons who are served. Food and nonalcoholic beverages may, however, be brought into the permitted premises, from an approved source, for immediate consumption and also may be dispensed by means of automatic vending machines on the premises.

— (i) *Animals, pets or live birds.* No animals, pets or live birds shall be kept in any barbershop or hairdressing and/or cosmetology shop. This prohibition does not apply to trained guide dogs (or dogs in training) for the disabled, sightless or hearing impaired.

Sec. 30R-7-32. Hygiene of operators.

(a) *Cleanliness of operators.* The hands of the operator shall be thoroughly washed with soap and warm water before serving each customer and immediately after using the toilet, or after eating.

(b) *Health of operators.* No person known to be affected with any communicable disease in an infectious stage shall engage in barbering, hairdressing or cosmetology, and no person so affected shall be employed as a barber, hairdresser or cosmetician.

(c) *Eating and drinking prohibited.* Operators shall not eat or drink while providing services to a customer.

Sec. 30R-7-33. Smoking prohibited.

No operator shall smoke while providing services to a customer.

Sec. 30R-7-34. Proper attire.

Operators shall wear, while attending any customer in a barbershop or hairdressing or cosmetology shop, clean, washable garments having at least one-quarter-length sleeves.

Sec. 30R-7-35. Recommended sanitizers.

(a) The following chemical methods constitute satisfactory sanitization of implements. No method is considered effective without prior thorough cleaning with detergent (soap, trisodium phosphate, etc.).

<i>Disinfectant</i>	<i>Type of Use</i>	<i>Comments</i>
Quaternary ammonium Compounds	1:1000 dilution for 30 seconds	One of the most recent developments because They are odorless, non-toxic, highly stable and noncorrosive.
Boiling Water	5 minutes	The addition of 1% sodium carbonate will prevent rusting.
Lysol (or compounds cresol) Solution or phenolic compound	5% solution for 3 minutes 2% solution for 3 minutes	For use on colored gowns or towels.
Commercial formalin	10% solution for 1 minute	May be irritating; deteriorates on standing.
Alcohol (70% ethyl alcohol or 99% isopropyl alcohol)	3 minutes	
Lubricant sanitizer	Combination	Recommended for electric clippers.
Other EPA-registered Disinfectants		Use according to the manufacturer's instructions.

(b) Chemicals suitable for low temperature washing (less than or equal to 158 degrees Fahrenheit) of towels and linens shall be used. Lysol or household bleach (sodium hypochlorite) shall be used according to manufacturers' specifications. Color safe bleach may not be used.

(c) Nonchemical methods of sanitizing must be approved in writing by the director of health.. Equipment specifications shall accompany requests for approval.

Sec. 30R-7-36. Electric clipper sanitizing techniques.

The following are recommended sanitizing techniques for electric clippers:

(1) Detachable head-type (sanitary design):

- a. Detach blades.
- b. Clean thoroughly.
- c. Immerse in effective sanitizer for required time.

(2) Nondetachable head-type:

- a. Place covered shallow glass jar at work shelf opposite every barber chair.
- b. After use, brush out excess hair and grease; wipe cutting blades clean.
- c. Immerse blade in combination lubricant-sanitizer, run clipper while immersed for ten seconds.
- d. Remove clipper and allow blades to drain for ten minutes on a clean towel or tissue, preferable in a cabinet reserved for tools already sanitized and ready for use. Wipe blades clean with a fresh disposable tissue.

ARTICLE VIII. PUBLIC POOL REGULATIONS

DIVISION 1. GENERALLY

Sec. 30R-8-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Authorized agent means an employee of the town health department designated by the director of health to enforce the provisions of the town health department public pool code.

Health department means the Darien health department.

Director of health means the director of health of the Darien health department.

Nonprofit organization means an organization holding tax-exempt status as defined by the United States Internal Revenue Code, 26 USC 501, which is operated by an entity not associated with a branch of federal, state or local government.

Person means any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community governmental agency, club, organization, or other entity owning or operating a public pool.

Person in charge means the individual present at the public pool who is the apparent supervisor of the public pool at the time of the inspection. If no individual claims to be supervisor, then any employee present is deemed to be the person in charge for the purposes of this article.

Public health code means the Public Health Code of the state.

Public pool means any artificial basin as defined in Section 19-13-B33b of the public health code of the state.

Swimming pool operator means a person at least 18 years of age who is responsible for the daily operation of the public pool and who shall be held responsible for compliance with all applicable provisions of the town health department public pool regulations and the public health code of the state.

Sec. 30R-8-2. Authority.

This article is enacted pursuant to the powers and duties set forth in GS. §§ 7-148, 19a-206, and 19a-207, 19a-243, and Section 19-13-B33b of the public health code of the state and other applicable state statutes._

Sec. 30R-8-3. Hearings and service of notices.

(a) Hearings provided for by this article shall be conducted by the director of health at a time and place designated by the director of health. Hearings will be conducted within five days of receipt of a request for same. The director of health shall thereupon immediately examine the merits of the case and may sustain, modify or rescind such suspension or revocation. A written

report of the hearing decision shall be furnished to the permit holder by the director of health. The permit holder or person in charge who is aggrieved by such action of the director of health may, within 48 hours after the making of such decision, appeal to the commissioner of health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify or rescind such action.

(b) A notice provided for in this article is deemed to have been properly served when a copy of the inspection report form or other notice has been delivered to the permit holder or person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder as reported on the permit application. A copy of the notice shall be filed in the records of the director of health.

Sec. 30R-8-4. Penalties other than revocation.

Any person who shall violate any provisions of this article and/or the public health code shall be subject to a fine of not more than \$100.00 for each day that an offense continues between the date of notice of violation and the date of correction as known by re-inspection, or the date of disposition by a court of competent jurisdiction. Absent proof of a claim that said violation has been corrected as herein provided for said violation shall be deemed to have continued consecutively each day during the period of time prior to said disposition. In addition thereto, such persons may be enjoined from continuing such violation.

Sec. 30R-8-5. Supervision of public pools.

Every pool shall be under the immediate supervision of a swimming pool operator at least 18 years of age who shall be held responsible for compliance with **all** provisions and regulations relating to equipment, pool operation, maintenance, testing and safety of bathers. The operator shall be knowledgeable in the operation of the pool and in pool water chemistry and testing. A certificate of competency obtained by having attended and successfully completed a swimming pool operator's training course acceptable to the director of health shall be presented by each operator as evidence of compliance with this section commencing January 2004. Information on how to contact the swimming pool operator shall be posted at the swimming pool whenever the operator is not on the premises where the public pool is located. The name of the swimming pool operator shall be submitted to the director of health at the time of application for a permit and shall be kept updated whenever there is a change in personnel.

Sec. 30R-8-6. Inspections; right of entry.

The director of health or his authorized agent shall conduct inspections, as he deems necessary to ensure compliance with all provisions of these regulations and the public health code, and shall have the right of entry at any reasonable hour to inspect the pool and appurtenant facilities.

Sec. 30R-8-7. Closure of public pools.

(a) The director of health or his authorized agent may order a pool to cease operation when it is found that any one or several of the following conditions exists:

- (1) The amount of residual disinfectant is less than the minimum amount specified in Section 19-13-B33b(b)(5) of the public health code or this section.
- (2) The pH of the water does not comply with the provisions of Section 19-13-B33b(b)(6) of the public health code.
- (3) The clarity of the water does not comply with the provisions of Section 19-13-B33b(b)(4) of the public health code.
- (4) The temperature of the pool water exceeds 104 degrees Fahrenheit.
- (5) There is a malfunction or nonfunction of the pool recirculating system.
- (6) The safety equipment required by Section 19-13-B33b(b)(10)(14)(16)(18)(c)(1)(3)(4) of the public health code or section 30R-7-8 is not provided.
- (7) The public pool does not have a valid permit issued by the director of health.
- (8) The director of health or his authorized agent finds any other condition, which constitutes a public health or safety hazard or a health nuisance to bathers or pool patrons.

(b) Procedure for closure.

- (1) Closure under this article shall be effective immediately upon the delivery of written notice to the person in charge at the public pool by the director of health or his authorized agent.
- (2) Public pools closed under this article shall remain closed until written approval to reopen has been issued by the director of health or his authorized agent.
- (3) Any person who is aggrieved by an order to close a public pool may, within 48 hours of the receipt of such order, file a written request for a hearing with the director of health. If a written request for a hearing is filed with the director of health by the permit holder or person in charge within 48 hours following the service of such notice, the director of health shall thereupon immediately examine the merits of such closure and may sustain, modify or rescind such closure. The permit holder or person in charge who is aggrieved by such action of the director of health may, within 48 hours after the making of such decision, appeal to the commissioner of health who shall thereupon immediately notify the authority from whose decision the appeal was taken and examine into the merits of such case and may sustain, modify or rescind such action.
- (4) An appeal of an order of the director of health to close a public pool issued pursuant to this section shall not stay enforcement of the closure order unless granted in writing by the director of health.

Sec. 30R-8-8. Operation of public pools.

(a) Public pools shall comply with the requirements of Section 19-13B33b of the public health code except as otherwise provided in these regulations.

(b) If bromine is used as a disinfectant in the public pool, the bromine residual shall be maintained at a level of not less than 2.0 ppm in a swimming pool, and at a level 3.0-5.0 ppm in a whirlpool or spa.

(c) The total alkalinity of the pool water shall be maintained at a level of 80-150 ppm. Equipment for measuring the total alkalinity of the pool water shall be available at each pool.

(d) Every public pool shall have available and use a D.P.D. (diethyl-phenylene-diamine) type test kit or other testing method acceptable to the director of health for measuring disinfectant residuals in the pool. The use of O.T.O. (orthotolidine) type test kits is prohibited.

(e) Chemical tests for disinfectant residual and pH shall be performed at least three times per day during the operating season. Testing for total alkalinity and cyanuric acid level, if applicable, shall be performed weekly and within three hours of the addition of make-up water to the pool. Records of chemical tests shall be kept on forms acceptable to the director of health and shall be maintained at the pool site.

(f) Persons suffering from diarrhea or vomiting or having skin lesions, inflamed eyes, ear discharges, throat infection or any other condition, which has the appearance of being infectious, shall be prohibited from using the pool.

(g) Infants and children who are not fully toilet trained shall wear tightfitting rubber or plastic pants or other leakproof clothing when using the pool.

Sec. 30R-8--9. Safety.

(a) Lifeguards, when provided, shall possess a current life saving certificate from the American Red Cross or other certifying agency acceptable to the director of health. Lifeguards shall also have certification in cardiopulmonary resuscitation as specified in Section 19a-113a-1 of the public health code. When lifeguards are provided, there shall be a least one lifeguard for each 50 bathers or major fraction thereof and shall be on duty whenever the pool is open for use.

(b) Where there is a change in the slope of the pool bottom, a safety line shall be provided across the pool at the point of the change in slope to delineate the non-swimmers' area from the swimmers' area. This line shall be equipped with floats not more than five feet apart, and shall be kept in place at all times, except during competitive swimming events and in areas designated for lap swimming where lane float lines are used.

(c) No glass containers or glass objects other than pool testing equipment and eyeglasses shall be permitted in the pool or on the decks surrounding the pool.

(d) All indoor pools shall be equipped with auxiliary lights, which shall function when the main light fixtures fail due to a power failure of any type.

(e) When gaseous chlorine is used as a disinfectant source, chlorine cylinders and proportioning equipment shall be housed in a separate, locked, well-ventilated enclosure. This enclosure shall be provided with a window and a vent fan located at floor level which terminates out-of-doors and shall contain:

- (1) An approved floor-level scale for weighing the chlorine cylinders to determine the amount of chlorine fed over any period of time and to permit the operator to know when the supply of chlorine in the cylinder is nearing exhaustion.
- (2) An ammonia fume dispenser bottle to be used to check for chlorine leaks.
- (3) Provisions to secure all full and empty chlorine cylinders to the scale or to the walls to prevent accidental tipping of the cylinders.

- (4) An approved chlorine cylinder valve stem wrench. This wrench shall be kept on the valve stem of the cylinders in use so the chlorine supply can be shut off quickly in case of an emergency.
- (5) Valve protection hoods kept in place on all cylinders except those attached to the chlorinator.
- (6) Where applicable, all inground public swimming pools must maintain a minimum 25-foot separating distance from all parts of on site and/or neighboring subsurface sewage disposal systems and private water wells (for drinking and irrigation purposes).

Sec. 30R-8-10. Food service.

Where provision is made for serving food and/or beverages at the pool, no containers of glass or other material, which might cause a hazard to bathers, shall be used. The pool facility shall be so arranged and posted to permit the consumption of food and beverages only in a specified area. Any food service area shall comply with the public health code of the state and town health department regulations.

Sec. 30R-8-11. Conflict with state regulations.

In. any case where a provision of these regulations is found to be in conflict with a regulation of the state department of public health or any other state law or regulation, on the effective date of the ordinance from which these regulations are derived, the provision which establishes the higher standard for the promotion and protection of the health and safety of the public shall prevail.

DIVISION 2. PERMITS

Sec. 30R-8-12. Required; application.

(a) No person shall operate, maintain or permit the operation or maintenance of any public pool in the town without having a permit from the director of health.

(b) Any person operating or desiring to operate a public pool in the town shall, within 60 days of the ordinance from which these regulations is derived from becoming law, make application for such a permit on forms provided by the director of health. Such application shall include the name and address of the pool, the name and mailing address of the owner of the pool including the names of the corporate officers if applicable. The applicant shall also provide the name of the swimming pool operator who shall be legally responsible for the daily operation of the pool and for compliance with all applicable codes and ordinances and such other information as shall be deemed necessary by the director of health. The application shall be accompanied by the permit fee established in accordance with section 30R-7-13. Public pools operated by schools, government organizations or nonprofit organizations must obtain a permit, but shall be exempt from the permit fee.

Sec. 30R-8-13. Fees.

Permit fees as called for in these regulations shall be established from time to time upon the recommendation of the director of health and approved by the board of selectmen after public notice and public hearing.

Sec. 30R-8-14. Each pool to have separate permit.

Each public pool at a single location, which has its own recirculation and water treatment system shall be deemed to be a separate pool and shall be required to have a separate permit.

Sec. 30R-8-15. Compliance with local, state and federal codes.

Only those persons who comply with the requirements of these regulations of the town health department, the public health code of the state and the Occupational Safety and Health Administration (OSHA) shall be entitled to receive and retain such a permit.

Sec. 30R-8-16. Inspection prior to issuance of permit.

Prior to the issuance of final approval for a permit, the director of health or his authorized agent shall inspect the public pool to determine compliance with the provisions of these regulations, the public health code and any other applicable statutes, ordinances, or rules and regulations.

Sec. 30R-8-17. Issuance.

The director of health shall issue a permit to the applicant if the inspection reveals that the public pool meets the requirements of these regulations and the public health code.

- (1) *Renewal.* Permits shall be renewed annually and shall be valid from the date they are issued until April 30 unless revoked by the director of health, or until such time as the pool changes ownership, closes or goes out-of-business.
- (2) *Preoperational inspection.* A preoperational inspection is required for relicensing purposes prior to the scheduled opening of all public pools.
- (3) *Transferability.* Permits shall not be transferable from person to person, or from location to location. The valid permit shall be posted in a location easily observed by patrons.

Sec. 30R-8-18. Suspension; hearing.

The director of health may suspend any permit for the operation of a public pool in the event of an emergency endangering the public health or the failure of the permit holder to comply with the requirements of this article or the public health code. The permit holder or person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the director of health by the permit holder within 48 hours.

Sec. 30R-8-19. Revocation or nonrenewal; hearing.

(a) The director of health may revoke or refuse to renew the permit for serious or repeated violations of the provisions of these regulations or the public health code, or for

interference with the director of health, or his authorized agent, in the performance of his duties.

(b) Written notice of intent to revoke or refusal to renew the permit, setting forth the violation shall be delivered to the permit holder or person in charge five days prior to such revocation or nonrenewal. The permit holder may file a written request for a hearing with the director of health within 48 hours of receipt of the notice. If no request for a hearing is filed within 48 hours, the revocation of the permit becomes final. The director of health shall remove a revoked permit from the premises. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

Sec. 30R-8-20. Reinstatement of suspended permit.

(a) A suspended permit will be reinstated in writing when an inspection made by the director of health or his authorized agent reveals that the conditions causing suspension of the permit have been corrected. The inspection will be conducted within 48 hours of a request for such inspection from the permit holder.

(b) After a period of 60 days from the date of revocation or nonrenewal, a written application may be made for the issuance of a new permit, as provided in section 30R-7-13 and the payment of the annual fee.

IX. LEAD POISONING PREVENTION REGULATION, as amended.

Sec. 30R-9-1. Scope and General Requirements

This regulation, adopted pursuant to Chapter 30 of the Darien Code of Ordinances, is intended to protect and promote public health within the Town of Darien and assist in enforcement of the Regulations of Connecticut State Agencies (RCSA) Section 19a-111-1 et seq. (the Lead Poisoning Prevention and Control Regulations) and various sections of the Connecticut General Statutes.

Sec. 30R-9- 2. Definitions

(1) “*Abatement*” means any set of measures designed to eliminate lead hazards in accordance with the abatement standards established pursuant to Sections 19a-111c, 20-474 through 20-482 and subsections (e) and (f) of Section 19a-88 of the Connecticut General Statutes, the RCSA Lead Poisoning Prevention and Control Regulations, and the RCSA sections 20-478-1 and 10-478-2 as amended including, but not limited to, the encapsulation, replacement, removal, enclosure or covering of paint, plaster, soil or other material containing toxic levels of lead and all preparation, clean-up, disposal and reoccupancy clearance testing.

(2) “*Authorized Agent*” means the person designated by the Director of Health to act for the Director of Health in the performance of any duties. The Authorized Agent shall possess all required training and be certified where required or specified by the Director of Health.

(3) “*Certified Lead Inspector*” means any lead consultant who completes an appropriate approved training course and possesses a current certificate as a lead inspector from the Connecticut Department of Public Health. A certified lead inspector conducts inspections to determine the presence of lead in paint, other surface coverings and various environmental media.

(4) “*Certified Lead Inspector Risk Assessor*” means any lead consultant who completes an appropriate approved training course and possesses a current certificate as a lead inspector risk assessor from the Connecticut Department of Public Health. A certified lead inspector risk assessor conducts inspections and collects and interprets information to assess the level of risk from lead hazards.

(5) “*Certified Lead Planner-Project Designer*” means any lead consultant who completes an appropriate approved training course and possesses a current certificate as a lead planner-project designer from the Connecticut Department of Public Health. A certified Lead Planner–Project Designer designs lead abatement, lead hazard remediation, and lead management plans and activities.

(6) “*Child*” means a person under the age of six (6) years.

(7) “*Director of Health*” means the Darien Director of Health who is charged with the responsibility and authority for preserving and improving the public health and preventing the spread of diseases in the Town of Darien.

(8) “*Dwelling*” means every building or shelter used or intended for human habitation, including exterior surfaces and all common areas thereof, and the exterior of any other structure located within the same lot, even if not used for human habitation.

(9) “*Lead Abatement Plan*” means a written plan that identifies the location of lead hazards and describes how the lead hazards will be abated and how human health and safety and the environment will be protected.

(10) “*Lead Consultant*” means any person who performs lead detection, risk assessment, abatement design or related services in disciplines including, but not limited to, inspector, inspector risk assessor and planner–project designer.

(11) “*Lead Hazard*” means deteriorated lead-based paint, lead-based paint on a deteriorated substrate, or lead-based painted friction or impact surfaces that result in the creation of dust or paint chips, and house dust, bare soil or drinking water that contain a toxic level of lead.

(12) “*Lead Hazard Remediation*” means the use of interim control measures to eliminate or minimize lead exposure hazards including, but not limited to, engineering controls, paint stabilization, spot paint repair, occupant protection, dust control, specialized cleaning, and covering of soil with mulch or other material approved by the Director of Health.

(13) “*Lead Management Plan*” means a written plan that is developed to maintain a lead-safe environment by describing how intact, encapsulated or enclosed lead-based paint and covered lead contaminated soil or sand areas will be monitored to ensure that lead hazards that may develop will be identified and thereafter abated or remediated.

(14) “*Licensed Lead Abatement Contractor*” means any entity that contracts to perform lead hazard reduction by means of abatement, including, but not limited to, the encapsulation, replacement, removal, enclosure, or covering of lead hazards and possesses a current license as a lead abatement contractor from the Connecticut Department of Public Health. A licensed lead abatement contractor performs lead abatement activities and utilizes certified lead abatement supervisors to oversee such lead abatement activities and certified lead abatement workers to perform such abatement activities.

(15) “*Licensed Lead Consultant Contractor*” means any entity that contracts to perform lead hazard reduction consultation work, possesses a current license as a lead consultant contractor from the Connecticut Department of Public Health, and utilizes

certified lead inspectors, lead inspector risk assessors, and/or lead planner-project designers to perform such consulting activities.

(16) “*Owner*” means any person, partnership, firm, association, corporation, sole proprietorship or any other business concern, state or local government agency or political subdivision or authority thereof, or any religious social or union organization, whether operated for profit or otherwise, who, alone or jointly with others owns, holds or controls the whole or any part of the deed or title to any property. No holder of an easement, mortgage, bank or lender holding the mortgage, shall be considered an owner except when the holder of an easement, mortgagee, banker or lender takes physical possession of the property.

(17) “*Post abatement inspection*” means a process consisting of (a) an inspection to ascertain if all lead hazards has been properly abated and (b) a series of lead dust wipe samples as described in the RCSA Lead Poisoning Prevention and Control Regulations.

(18) “*Toxic level of lead*” means a level of lead that when present in dried paint, plaster or other accessible surface on or in a residential dwelling contains equal to or greater than 0.50 percent lead by dry weight as measured by atomic absorption spectrophotometry (AAS), Graphite furnace atomic absorption spectrophotometry (GFAAS), inductively coupled plasma-atomic emission spectrophotometry (ICP-AES) or another accurate and precise testing method approved by the commissioner of health, by a laboratory approved by the department for lead analysis, or equal to or greater than 1.0 milligrams lead per square centimeter of surface as measured on site by an X-ray fluorescence analyzer of another accurate and precise testing method that has been approved by the commissioner.

Sec. 30R—9-3. General Requirements

Sec. 30R- 9-3-1. Lead-Based Paint Testing

The Director of Health may order the owner of a dwelling where lead hazards have been identified or verified by an authorized agent of the Director of Health to engage the services of a State of Connecticut licensed Lead Consultant Contractor at the expense of the owner.

The licensed Lead Consultant Contractor shall utilize a State of Connecticut Certified Lead Inspector or Lead Inspector Risk Assessor to conduct comprehensive paint testing, document paint conditions and evaluate compliance with the requirements of the provisions of the Connecticut General Statutes Section 19a-111c, the RCSA Lead Poisoning Prevention and Control Regulations, and other applicable Connecticut General Statutes and regulations.

Where a **child is in residence** a comprehensive lead inspection that will include comprehensive paint testing, dust testing, testing of bare soil areas, and potable water testing shall be performed by the lead consultant.

The owner shall provide a copy of the report that is generated by the lead consultant to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

Sec. 30R-9-3-2. Lead Abatement, Lead Hazard Remediation, and Lead Management Plans

Whenever the lead inspection report identifies lead hazards or intact painted surfaces that contain a toxic level of lead, the Director of Health shall order the owner to appropriately abate, remediate, and/or manage the condition(s) and may order the owner of the property to engage the services of a Licensed Lead Consultant Contractor. The Licensed Lead Consultant Contractor shall utilize a Certified Lead Planner–Project Designer to design a lead abatement/hazard remediation plan and/or a lead management plan in accordance with the requirements of the RCSA Lead Poisoning Prevention and Control Regulations.

The lead abatement/remediation and lead management plans shall be submitted to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

Sec. 30R- 9-3-3. Post Abatement and Lead Hazard Remediation Inspection

A post abatement/hazard remediation inspection including clearance dust wipes must be conducted by a Certified Lead Inspector, Lead Inspector/Risk Assessor, or a trained Code Enforcement Official following completion of the lead abatement/hazard remediation work.

The report shall be submitted to the Director of Health within a time frame specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

The Director of Health must approve the post abatement/hazard remediation inspection report prior to re-occupancy of areas that have been abated or remediated.

Sec. 30R-9-4 Additional Requirements for Residences Associated with Children Who Have Confirmed Blood Lead Levels Greater Than or Equal to 15 Micrograms per Deciliter

Sec. 30R-9-4-1. Lead-Based Paint Testing, Lead Abatement and Lead Hazard Elimination

Whenever the Director of Health has received a report of a blood lead level in a child that is greater than or equal to 15 micrograms per deciliter or otherwise determines that a child has an abnormal body burden of lead, the Director of Health may order the owner of the dwelling in which such child resides to engage the services of a State of Connecticut Licensed Lead Consultant Contractor to inspect and test the paint, bare soil

areas, potable water and dust on the premises for toxic levels of lead at the owner's expense.

The owner shall provide a copy of the lead inspection report that is generated by the lead consultant contractor to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

The licensed Lead Consultant Contractor shall utilize a State of Connecticut certified Lead Inspector or Lead Inspector Risk assessor to conduct the comprehensive lead inspection and testing.

Sec. 30R- 9-4-2. Lead Abatement and Lead Management Plans

Whenever the lead inspection report identifies lead hazards or intact painted surfaces that contain a toxic level of lead, the Director of Health shall order the owner to appropriately abate and/or manage the condition(s) and may order the owner of the property to engage the services of a Licensed Lead Consultant Contractor.

The Licensed Lead Consultant Contractor shall utilize a Certified Lead Planner–Project Designer to design a lead abatement plan and/or a lead management plan in accordance with the requirements of the RCSA Lead Poisoning Prevention and Control Regulations. The lead abatement and lead management plans shall be submitted to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

Sec. 30R- 9-4-3. Post abatement inspection

A post abatement inspection including clearance dust wipes must be conducted by a Certified Lead Inspector, Lead Inspector /Risk Assessor, or a trained Code Enforcement Official.

The report shall be submitted to the Director of Health within a time frame specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations. The Director of Health must approve the post abatement inspection report prior to reoccupancy of the abated areas.

Sec. 30R-9-4-4. Lead Abatement

The Director of Health may order the owner of a dwelling to engage the services of a State of Connecticut licensed Lead Abatement Contractor at the expense of the owner to ensure compliance with standards established in the RCSA Lead Poisoning Prevention and Control Regulations and to abate and eliminate lead hazards in accord with an approved lead abatement plan.

Sec. 30R-9-4-5. Fine

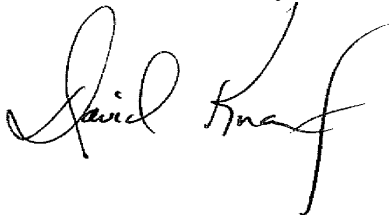
Any person, persons, or entities that are found in violation of any provision of this regulation shall be subject to a fine of one hundred dollars per day of occurrence.

Sec. 30R-9-4- 8. Appeal Rights

Any person or persons aggrieved by an order of the Director of Health may appeal to the Commissioner of Health of the State of Connecticut from such order, pursuant to Section 19a-229 of the Connecticut General Statutes, as amended or as hereafter amended. The right of appeal notice and information must be included in any order issued by the Director of Health in conjunction with this Regulation.

X Effective Date of these Regulations

These regulations, Articles II, III, IV, VI, VII, VIII and IX shall be in full force and effect on March 29, 2010 by David Knauf, Director of Health for the Town of Darien.

A handwritten signature in black ink, appearing to read "David Knauf", is written over a horizontal line.

Dated March 29, 2010.

NOTE TO MUNICIPAL CODE CORPORATION: RECOMMEND THAT EXISTING ARTICLE 7 CONCERNING PARKING REGULATIONS SHOULD BE RENUMBERED BECAUSE THEY ARE BOARD OF SELECTMAN AND NOT DEPARTMENT OF HEALTH REGULATIONS.